IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.2611 OF 2003
IN
SUIT NO.9 OF 2003
IN
PETITION NO.834 OF 2002

Smt.Revathi V.Amin .. Plaintiff/ Petitioner

Vs.

Shri Mahesh Dasappa Karkera .. Defendant/ Caveator

Mr.S.S.Pawar for the Caveator

Mr.D.D.Belosay for the petitioner

CORAM : S.U.KAMDAR, J

DATED : 17TH JUNE, 2005

P.C.:

1. Motion is taken out for receiver and injunction for a plot belonging to the deceased being Flat No.3 situated at Goshala Road, Mulund (West), Mumbai 400 080. There is also a prayer for payment of deposit of Rs.30,000/- per month for unauthorised occupation of the flat by respondent. Petitioner is daughter of deceased. Respondent is son of the deceased.

2. Petitioner is claiming Flat under the will probated and in that view of the matter it is not possible to pass an order for appointment of Court Receiver or for deposit of amount as prayed for in prayer clause (c) and (d). However, the defendant gives an undertaking that pending the disposal of the petition he shall not alienate, encumber and or part with possession. The said defendant should also undertake to make payment of outgoings and charges as demanded by Central Bank in respect of the said flat. The said payment will be made punctually without any defaults. Motion disposed of accordingly. Prayer (a) rejected.